

Panaji, 4th April, 2019 (Chaitra 14, 1941)

SERIES II No. 1

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are four Extraordinary issues to the Official Gazette, Series II No. 52 dated 28-03-2019 as follows:—

- (1) Extraordinary dated 28-03-2019 from pages 1083 to 1084 regarding Order & Notification from Department of General Administration & Notification from Department of Home.*
- (2) Extraordinary (No. 2) dated 28-03-2019 from pages 1085 to 1114 regarding Notifications from Department of Elections.*
- (3) Extraordinary (No. 3) dated 28-03-2019 from pages 1115 to 1116 regarding Notifications from Department of Finance & Notification from Department of General Administration.*
- (4) Extraordinary (No. 4) dated 01-04-2019 from pages 1117 to 1128 regarding Order from Department of Home.*

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Corrigendum

No. 2/9/95-AGR/2018-19/Part(I)/341

Read: Order No. 2/95-AGR/2018-19/Part (I)/369 dated 06-03-2019.

In the above referred order the name of Shri Prajyot N. Sankhalkar may be read as "Shri Prajyot N. Sakhalkar".

By order and in the name of the Governor of Goa.

Madhav B. Kelkar, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 29th March, 2019.

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Department of Elections
Goa State Election Commission

Notification

No. 3/22/GEVPT/2018-SEC/345

In exercise of the powers conferred on me under Section 203 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), I, R. K. Srivastava, IAS (Retd.), Goa State Election Commissioner, hereby appoint the Mamlatdar of Tiswadi Taluka as the "Requisitioning Authority" and authorise him to requisition premises, vehicles etc. for the purpose of General Elections to 11 wards of Taleigao Village Panchayat in Tiswadi Taluka.

R. K. Srivastava, IAS (Retd.), Commissioner, Goa State Election Commission.

Panaji, 2nd April, 2019.

Department of Finance

Revenue & Control Division

Notification

No. 4/5/2019-Fin(R&C)/2597

In exercise of the powers conferred by Clause (b) of sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the persons mentioned in column (2) of the Schedule hereinbelow (hereinafter called as the "said Schedule") and gives them the designations as specified in corresponding entry in column (3) of the said Schedule, for carrying out the purposes of the said Act, with effect from the date of their joining their posts as indicated in column (4) against their names.

SCHEDULE

Sr. No.	Name of the official	Designation	Date of joining the post
1	2	3	4
1.	Smt. Sophia Lawrence Vaz	Commercial Tax Officer	20-02-2018.
2.	Shri Naresh Kushta Gaude	Commercial Tax Officer	01-03-2018.
3.	Smt. Ankita Anil Kamat	Commercial Tax Officer	01-03-2018.
4.	Shri Rohan Arvind Loliyekar	Commercial Tax Officer	27-02-2018.
5.	Shri Sirajuddin Gulamrasul Jamadar	Commercial Tax Officer	01-03-2018.
6.	Smt. Sweta Shankar Gurav	Commercial Tax Officer	20-02-2018.
7.	Kum. Ashvita Ankush Goltekar	Commercial Tax Officer	19-02-2018.
8.	Shri Melwin Faleiro	Commercial Tax Officer	19-07-2018.
9.	Kum. Gargi Ajit Kamat	Commercial Tax Officer	20-07-2018.
10.	Shri Saba Krishna Parab	Commercial Tax Officer	19-07-2018.
11.	Shri Kalpesh Ramrai Amonkar	Commercial Tax Officer	19-07-2018.
12.	Shri Siddhesh Laxman Shetkar	Commercial Tax Officer	19-07-2018.
13.	Shri Satyam Vinayak Adkonkar	Commercial Tax Officer	20-07-2018.
14.	Shri Rajendra Shamba Gaude	Commercial Tax Officer	23-07-2018.
15.	Shri Sudesh B. Naik	Commercial Tax Officer	12-09-2018.
16.	Smt. Preeti Mandrekar	Commercial Tax Officer	12-09-2018.
17.	Smt. Shilpa H. P. P. Dessai	Commercial Tax Officer	12-09-2018.
18.	Smt. Pallavi Joshi	Commercial Tax Officer	12-09-2018.
19.	Shri Gajanan Bhonsle	Commercial Tax Officer	12-09-2018.
20.	Smt. Geeta Gaonkar	Commercial Tax Officer	12-09-2018.
21.	Shri Anthony Gama	Commercial Tax Officer	12-09-2018.

By order and in the name of the Governor of Goa.

Sushama D. Kamat, Under Secretary, Finance (R&C).

Porvorim, 26th March, 2019.

Notification

No. 4/5/2019-Fin(R&C)/2598

In exercise of the powers conferred by sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the persons mentioned in column (2) of the Schedule annexed hereto (hereinafter called as the "said Schedule") and gives them the designations as specified in the corresponding entries in column (3) of the said Schedule, for carrying out the purposes of the said Act, with effect from the date of their joining the respective posts as indicated in column (4) against their names.

SCHEDULE

Sr. No.	Name of the official	Designation	Date of joining the post
1	2	3	4
1.	Smt. Preeti P. Mirajkar	Asstt. Commercial Tax Officer	08-10-2018.
2.	Shri Mahadev Parwar	Asstt. Commercial Tax Officer	08-10-2018.
3.	Smt. Manisha Rege	Asstt. Commercial Tax Officer	08-10-2018.
4.	Shri Mahesh K. Chari	Asstt. Commercial Tax Officer	08-10-2018.
5.	Smt. Mangala M. Naik	Asstt. Commercial Tax Officer	08-10-2018.
6.	Smt. Vidhati V. Tari	Asstt. Commercial Tax Officer	08-10-2018.
7.	Shri Shripad B. Shiroadkar	Asstt. Commercial Tax Officer	08-10-2018.
8.	Smt. Meera D. Mashelkar	Asstt. Commercial Tax Officer	08-10-2018.
9.	Shri Deepak K. Naik	Asstt. Commercial Tax Officer	01-01-2019.
10.	Shri Prakash R. Dessai	Commercial Tax Inspector	08-10-2018.
11.	Smt. Shilpa S. Belekar	Commercial Tax Inspector	08-10-2018.
12.	Shri Sandeep D. Naik	Commercial Tax Inspector	05-10-2018.
13.	Shri Ketan A. Naik	Commercial Tax Inspector	05-10-2018.
14.	Shri Vibhil B. Lad	Commercial Tax Inspector	05-10-2018.
15.	Smt. Hruta S. Ghantker	Commercial Tax Inspector	05-10-2018.
16.	Smt. Pallavi Verlekar	Commercial Tax Inspector	05-10-2018.
17.	Smt. Anjusha R. Keshkamat	Commercial Tax Inspector	05-10-2018.
18.	Shri Gauresh B. Kamat	Commercial Tax Inspector	05-10-2018.
19.	Shri Pranav S. Bhagat	Commercial Tax Inspector	05-10-2018.
20.	Smt. Ujwala V. Naik	Commercial Tax Inspector	05-10-2018.
21.	Shri Girish G. Masurkar	Commercial Tax Inspector	05-10-2018.
22.	Shri Vishwanath A. Prabhudessai	Commercial Tax Inspector	08-10-2018.
23.	Kum. Manila M. Gawandalkar	Commercial Tax Inspector	08-10-2018.
24.	Shri Delton P. I. Gracias	Commercial Tax Inspector	05-10-2018.
25.	Smt. Rati S. Kanekar	Commercial Tax Inspector	05-10-2018.
26.	Shri Manjunath P. Purushan	Commercial Tax Inspector	05-10-2018.

By order and in the name of the Governor of Goa.

Sushama D. Kamat, Under Secretary, Finance (R&C).

Porvorim, 26th March, 2019.

Notification

No. 4/5/2019-Fin(R&C)/2599

In exercise of the powers conferred by Clause (a) of sub-section (2) of Section 13 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005) (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the persons mentioned in column (2) of the Schedule annexed hereto (hereinafter called as the "said Schedule") and gives them the designations as specified in corresponding entry in column (3) of the said Schedule, for carrying out the purposes of the said Act, with effect from the date their joining the post as indicated in column (4) against their names.

SCHEDULE

Sr. No.	Name of the officer	Designation	Date of joining the post
1	2	3	4
1.	Shri Sagar Babuli Gaude	Asstt. Commissioner of Commercial Taxes	22-01-2019.
2.	Shri Vikas S. Kamble	Asstt. Commissioner of Commercial Taxes	22-01-2019.

By order and in the name of the Governor of Goa.

Sushama D. Kamat, Under Secretary, Finance (R&C).

Porvorim, 26th March, 2019.

Goa Legislature Secretariat

Corrigendum

No. LA/Admn./2019/10

Read: Order No. LA/B/Estt/8798/2005 dated 27th January, 2005.

In the first para of the above referred order, the words "pleased to appoint" be read as "pleased to promote".

By order and in the name of the Governor of Goa.

U. D. Bicholkar, Committee Officer, Legislature.
Porvorim, 1st April, 2019.

Corrigendum

No. LA/Admn./2019/11

Read: Order No. LA/Admn./2010/3757 dated 23rd March, 2010.

In the first para of the above referred order, the words "pleased to appoint" be read as "pleased to promote".

By order and in the name of the Governor of Goa.

U. D. Bicholkar, Committee Officer, Legislature.
Porvorim, 1st April, 2019.

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Department of Home
Home—General Division

Order

No. 25/4/2019-Conf. Powers/Elections/HD(G)/1103

In exercise of the powers conferred under Section 20(1) of Criminal Procedure Code, 1973 (Central Act 2 of 1974), the Government of Goa is pleased to grant powers of Additional District Magistrate for the last two days prior to the day of polling i.e. 23-04-2019 till all the EVM's are stored in the strong room to the below mentioned Senior Scale Officers of Goa Civil Service during the General Elections to Lok Sabha 2019 and Bye Elections in North Goa District.

Sr. No.	Name	Designation	Office address	Mobile No.
1.	Shri Dipak Bandekar	Commissioner	Commissioner of Commercial Taxes, Panaji-Goa	9822157848
2.	Shri Rajan Satardekar	Director	Director of Panchayat, Junta House, Panaji-Goa	9823256280
3.	Shri Santosh Kundaikar	Administrator	Goa State Co-operative Milk Producers Union Ltd.	9822180533
4.	Shri Pipi T. Murgaonkar	Dy. Director	Directorate of Sports & Youth Affairs, Campal, Panaji-Goa	9850476488
5.	Shri Ashok Rane	Additional Commissioner	Commissioner of Commercial Taxes, Panaji-Goa	9881775005
6.	Shri V. M. Prabhudesai	Chief Executive Officer	Directorate of Sports & Youth Affairs, Campal, Panaji-Goa	9822149524
7.	Shri Sailesh R. S. Zingde	Dy. Director of Education	Education Department, Porvorim-Goa (Group A Officer Level-12)	9422056484
8.	Shri Harish N. Adconkar	Under Secretary (Personnel)	Department of Personnel, Secretariat, Porvorim-Goa	9850065288
9.	Shri Meghanath Porob	Director	Directorate of Small Savings and Lotteries, Panaji-Goa	9970472224

By order and in the name of the Governor of Goa.

Neetal P. Amonkar, Under Secretary (Home-II).
Porvorim, 4th April, 2019.

Corrigendum

No. 24/51/2012-HD(G)/970

Read: Order No. 24/51/2012-HD(G)/777 dated 06-03-2019.

The third para of the above referred order may be read as under:

"The expenditure towards the pay and allowances shall be debited under:-

Demand No. 5

- 2014 — Administration of Justice, 00
- 114 — Legal Advisors & Counsels
- 01 — Public Prosecutors (North Goa)
- 02 — Public Prosecutors (South Goa)
- 01 — Salaries".

The rest of the contents of the above referred order shall remain unchanged.

By order and in the name of the Governor of Goa.

Neetal P. Amonkar, Under Secretary (Home).

Porvorim, 20th March, 2019.

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Department of Labour
Notification

No. 28/2/2019-LAB/230

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 26-02-2019 in reference No. IT/14/11 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 25th March, 2019.

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**IN THE INDUSTRIAL TRIBUNAL AND
LABOUR COURT**

**GOVERNMENT OF GOA
AT PANAJI**

**(Before Mr. Vincent D'Silva, Hon'ble Presiding
Officer)**

Ref. No. IT/14/11

Shri Nitin Patekar,
H. No. 369, Dhargal,
Pernem, Goa.
V/s

... Workman/Party I

Directorate of Sports and
Youth Affairs,
Government of Goa,
Campal, Panaji, Goa.

... Employer/Party II

Workman/Party I represented by Ld. Adv. Shri L. V. Palekar along with Ld. Adv. Shri V. A. Palekar

Employer/Party II represented by Ld. Adv. Shri A. S. Talaulikar

AWARD

**(Delivered on this the 26th day of the month
of February of the year 2019)**

By Order dated 11-07-2011, bearing No. 28/4/2011-LAB/257, the Government of Goa in exercise of powers conferred by Section 10 (1)(d) of the Industrial Disputes Act, 1947 (for short The Act), has referred the following dispute to the Tribunal for adjudication.

- "(1) *Whether the Gymnasium under the Directorate of Sports and Youth Affairs, Panaji, Goa, is an 'Industry' under Section 2 of the Industrial Disputes Act, 1947 (14 of 1947)?*
- (2) *If the answer to issue No. (1) above is in the affirmative, then whether the action of the Directorate of Sports and Youth Affairs, Panaji, Goa, in terminating the services of Shri Nitin Y. Patekar, with effect from 20-05-2009, is legal and justified?*
- (3) *If the answer to issue No. (2) above is in the negative, then, what relief the workman is entitled to?"*

2. Upon receipt of the reference, it was registered as IT/14/11 and registered A/D notices were issued to both the parties. Pursuant to service of notices, Party I filed a Claim statement at Exhibit 7 and Party II filed a Written statement at Exhibit 8.

3. In short, the case of the Party I is that the Party I was appointed by the Directorate of Sports and Youth Affairs as attendant in the Gymnasium belonging to Government of Goa at Dhargal, Pernem, Goa w.e.f. 20-01-2003 and was performing duties such as maintenance of equipments, oiling of the instruments as also minor maintenance such as replacing nut, bolts, etc. which are purely duties performed by a workman. The Party I worked sincerely for six years and there was no complaint about his work or on his performance from any quarters. However, his services were suddenly terminated from 20-05-2009 without any cause and without following principles of natural justice. No enquiry was held against him and he was illegally terminated and as such the termination is illegal and amounts to retrenchment without following the proper procedure laid down under the law. A representation was made to the Department regarding illegal termination on 12-6-2009, however

it was not responded. The Party I thereafter approached the Assistant Labour Commissioner to intervene in the matter, however due to adamant stand of the employer, the matter could not be resolved and as such it ended in a failure. The Gymnasium under the Directorate of Sports and Youth Affairs is an industry under Section 2(j) of the Industrial Disputes Act. The action of Party II is illegal and unjustified. The Party I is entitled for relief claimed, hence the dispute.

4. In the Written statement, the Party II has claimed that the Party I was engaged as Casual Labourer in the Directorate of Sports in the Gymnasium of Party II w.e.f. 24-1-2003 and was not a workman within the meaning of Section 2(s) of the Act. The Party I was not a regular employee and therefore question of termination of services of Party I does not arise at all. The services of Party I workman was discontinued from 20-5-2009 as his services were no longer required as he was engaged as a Casual Labourer, not on regular basis but on various Government schemes/programmes which were purely of time bound nature and got over after completion of said schemes and once the said schemes/programmes are accomplished, the casual workers lose their causal work and therefore question of conducting any enquiry in the matter does not arise. The Party I is not entitled for any relief.

5. The Party I filed a rejoinder at Exh. 9 denying the case put forth by Party II in the written statement.

6. Issues that came to be framed at Exh. 12 are as follows:

- (1) Whether the Party I proves that the Gymnasium under the Directorate of Sports and Youth Affairs is an industry under Section 2(j) of the Industrial Disputes Act, 1947?
- (2) Whether the Party I proves that the sudden termination of his services from 20-5-09 is illegal and amounts to retrenchment without following the proper procedure laid down under the law?
- (3) What relief? What Award?

7. The Party I, Shri Nitin Patekar examined himself and produced on record a copy of letter dated 12-6-2009 addressed to Party II at Exh. 15, a copy of payment summary for the years from 2003 to 2009 at Exh. 16, a copy of minutes of conciliation proceedings dated 21-9-2010 at Exh. 17 and a copy of failure report dated 6-12-2010 at Exh. 18. On the other hand, Party II examined Shri Anant Sadashiv

Raut Dessai and produced on record the copies of payment of receipts from 2003 to 2009 at Exh. 22 colly, a copy of failure report dated 6-12-2010 at Exh. 23 and a copy of attendance certificate at Exh. 24 colly. The Party II also examined Shri Sadanand Sawal Dessai and closed its case.

8. Heard arguments. Notes of Written arguments came to be placed on record by Party II.

9. I have gone through the records of the case and have duly considered the arguments advanced. My findings to the above issues are as follows:

- | | | |
|-------------|-----|---------------------|
| Issue No. 1 | ... | In the Affirmative. |
| Issue No. 2 | ... | In the Affirmative. |
| Issue No. 3 | ... | As per final order. |

REASONS

Issue No. 1:

10. Learned Adv. Shri A. S. Talaulikar for Party II has submitted that the Gymnasium under the Directorate of Sports and Youth Affairs is not an industry under Section 2(j) of the Act as there was no business, trade, undertaking, manufacture or calling of employers. The Gymnasium established by the Government is in fact a part of the inalienable Government functions as also the sovereign functions of the State and therefore the same cannot be included in "Industry". He further submitted that there is an attempt by Party I to seek back door entry in the Government service and that his services were engaged as and when available. He further submitted that there is no production of goods in the said Gymnasium as the Party I has admitted in the cross examination that he was only the person and no other persons were employed and hence, it is not an industry as defined under Section 2(j) of the Act and therefore, the above issue be answered in the affirmative.

11. Per contra, Ld. Adv. Shri V. A. Palekar for Party I has submitted that the Party I was employed by Party II as attendant in the Gymnasium belonging to the Government of Goa as a regular employee to do regular work. No documents regarding the alleged time bound schemes or programmes have been produced on record. The Party I was appointed by Party II purely for the purpose of looking after the Gymnasium as attendant which is a systematic activity being carried out for development of fitness of the youth which in fact is a continuous activity being carried out by Party II employer with the help of Party I and therefore when any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment,

handicraft or industrial occupation or avocation of workman is done, it squarely attracts section 2(j) of the Act which is an industry as laid down in the case of **Bangalore Water Supply and Sewerage Board vs. A. Rajappa and Others, 1978 1 LLJ 349**. The activity of Party II employer squarely falls within the definition of 2(j) of the Act and therefore the Issue No. 1 be answered in the affirmative.

12. Admittedly, the Party I was working in the said Gymnasium of Party II for a period of six years, as he was appointed on 20-1-2003 and discharged on 12-6-2009. The Party I also claimed that he was performing duties such as maintenance of equipments, oiling of instruments as also minor maintenance such as replacing nut, bolts, etc. Shri Anant S. R. Desai who has been examined on behalf of the Party II has admitted that the Gymnasium was established for the purpose of development of fitness of the youth and this activity was done by way of discharge of public duty and that development of fitness of the youth is a continuous activity. He also admitted that the Party I was working on daily wages and during the period from January 2003 to May, 2009, he was not working at any other place except in the said Gymnasium. He also admitted that the Gymnasium is functioning till date. He also admitted that the Party I was doing general duties including cleaning and other duties assigned by the Officers. The other witness examined by the Party II viz. Shri Sadanand S. Dessai has also admitted that the Party I was appointed in service in January 2003.

13. It is well settled in the case of **Bangalore Water Supply and Sewerage Board**, supra that where there is (i) systematic activity, (ii) organized by co-operation between employer and employee, (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes, prime facie, there is an "industry" in the enterprise. Absence of profit motive or gainful objective is relevant, be the venture in the public, joint, private or other sector. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations. Needless to mention, the activity of the Party II in conducting the operation of Gymnasium was a systematic activity organized by co-operation between the Party I and the Party II for rendering services to satisfy the development of fitness of the youth of the locality, for which the services of Party I was engaged. It is therefore clear that it is an 'industry' as defined under Section 2(j) of the Act. The activity of the Party II fulfills the test as laid down under Section 2(j) of the Act and therefore the Party II employer cannot be exempted

from the scope of Section 2(j) of the Act. It is therefore, the Gymnasium operated under Directorate of Sports and Youth Affairs is an industry as defined under Section 2(J) of the Act. Hence, the issue No. 1 is answered in the affirmative.

Issue No. 2:

14. It is the case of Party I so also Shri Nitin Patekar has stated in the affidavit in evidence that he worked as attendant in the Gymnasium from 20-1-2003 for more than six years without any complaint about his work or on his performance and that his services were suddenly terminated from 20-5-2009 without any cause and without following principles of natural justice. He also claimed that no enquiry was held against him and that he was illegally terminated and that his termination is illegal and amounts to retrenchment without following the proper procedures laid down under the law. Exhibit 15 is the letter addressed by him dated 12-6-2009 with a request to direct Assistant Physical Officer, Pernem to continue his duties as Gym Supervisor claiming that all of a sudden Mr. S. S. Mandrekar, APO, Pernem has instructed to discontinue his duties in spite of working sincerely in the said establishment. Exhibit 17 is the minutes of meeting held before the Assistant Labour Commissioner, Mapusa wherein it was claimed that the Party I was engaged at Gymnasium at Dhargal as casual labourer and that the proceedings ended in failure. Exhibit 18 is the failure report.

15. There is no dispute that the Party I worked for six years and his services were suddenly terminated without any enquiry. The witness of Party II viz. Shri Anant S. R. Desai has claimed that the Party I was a casual labourer engaged for a particular scheme which was subject to discontinuation and as the said scheme was discontinued, his services were terminated, however no document regarding such scheme or plan has been produced on record. On the contrary, he has admitted that the Gymnasium was functioning till date. He also admitted that besides the said Gymnasium, they have other Gymnasiums all over Goa. The other witness examined by Party II viz. Shri Sadanand S. Desai, however has a different version to narrate in para 14 of the affidavit wherein he stated that the Party I was not in regular service, however the Party II did not send any correspondence or memos to him as the need was not felt. To the question as to under what circumstances the Party I was terminated, he claimed that he heard that the Party I was irregular in attending the work. Be that as it may, it is an

admitted fact that no enquiry of alleged irregularity in attending the work has been held nor any show cause notice or charge sheet was issued to him as mandated by law for the reasons best known to Party II.

16. Even, if it is presumed that the allegation of Party II that the workman was irregular in attending the work has any semblance of truth, the act on the part of said workman would be a misconduct. It is well settled that if misconduct is the foundation of dismissal, then a domestic enquiry is warranted. It has been held in the case of **D. K. Yadav vs. J. M. A. Industries Ltd., 1993 SCC (L&S) 723** that no man should be condemned unheard in order to prevent authority from acting arbitrarily affecting the rights of the person concerned and that no decision must be taken which will affect the right of any person without his being informed of the case and giving him an opportunity of putting forward his case as an order involving civil consequences must be made consistently with the rules of natural justice and fair play. The Party II unilaterally cannot claim that the Party I was irregular in work or that he was not interested in the work as they are required to institute a domestic enquiry against the workman and prove that the workman has not been reporting for work before terminating the services. Moreover, there is no evidence on record in support of the contention that the scheme floated by the Party II had come to an end or that the Party I was terminated for not attending the work. The Party II has not shown any justification for termination of services of Party I on the ground of misconduct or otherwise. The termination of services of Party I is therefore in violation of principles of natural justice and fair play and therefore it is illegal and unjustified. Hence, the issues No. 2 is answered in the affirmative.

Issue No. 3:

17. The question therefore is what reliefs the Party I is entitled to, once it is held that the termination/discharge is illegal, whether the Party I is entitled for re-instatement with full back wages and continuity in service with consequential benefits attached to the post or adequate monetary compensation in lieu of reinstatement and back wages.

18. It has been consistently held by the Hon'ble Apex Court that relief by way of reinstatement with back wages is not automatic, even if termination of an employee is found to be illegal or is in contravention of the prescribed procedure

and that monetary compensation in lieu of reinstatement and back wages in cases of such a nature may be appropriate. It is also well settled that the Court in appropriate cases grant compensation in lieu of reinstatement keeping in view the length of service rendered by a workman, the wages that he was receiving during that period, which would meet the ends of justice. In the instant case, the Party I workman was working for the Party II as a Casual Labourer on day-to-day basis and was paid minimum wages as per Exh. 16 and have put in more than 6 years of service as admitted by witness of Party II. The Party I was however not appointed in accordance with recruitment rules in force, at a time of initial appointment. There is no letter of appointment issued to Party I workman. Mere length of service as casual employee would not confer any right on the employee to claim regularization or permanent absorption unless employee had been appointed in pursuance of regular recruitment in accordance with relevant rules in open competitive process against sanctioned vacant post. The Party I therefore cannot seek reinstatement in service.

19. It is also well settled that workman has no right to claim back wages from his employer as of right only because Court set aside his dismissal order. It is necessary for the workman to prove with aid of evidence that after his dismissal from service, he was not gainfully employed and had no earning to maintain himself and his family. There are also no pleadings that Party I workman has been employed after he was terminated nor he has stated what efforts he has made for securing gainful employment and how he is sustaining himself. There is no dispute that the Party I workman was summarily terminated without paying any legal dues. The statement of wages drawn by him which have been certified by Party II show that the last drawn wages at the time of termination was Rs. 176/- per day. Therefore, considering that the Party I workman had put in services of about more than 6 years on the date of termination and that the Party I workman was earning around Rs. 176/- per day i.e. Rs. 4576/- for 26 days of the month, it would translate into Rs. 55,000/- per annum approx. which can be reckoned for the purposes of arriving at the amount of compensation, which would be around Rs. 5,44,500/- (Rupees Five lakhs forty four thousand five hundred only) representing wages for 9 years and nine months and considering that the Party II has violated provisions of Section 25-F of the Act, so also the nature of appointment, the length of service and the time taken to settle the dispute, ends of justice would be met, if Party I is

paid 60% back wages which would work out to Rs. 3,26,700/- (Rupees Three lakhs twenty six thousand seven hundred only) which would be just, proper and equitable in the facts and circumstances of the case. Hence, the above issue is answered accordingly.

20. In the result, I pass the following:

ORDER

- (i) The present reference stands partly allowed.
- (ii) It is hereby held that the action of the Directorate of Sports and Youth Affairs, Panaji, Goa, in terminating the services of Shri Nitin Y. Patekar, with effect from 20-05-2009, is illegal and unjustified.
- (iii) The Party II is directed to pay monetary compensation of Rs. 3,26,700/- (Rupees Three lakhs twenty six thousand seven hundred only) to Shri Nitin Y. Patekar within 60 days of the publication of the Award, failing which the Party II shall pay an interest @ 9% per annum.
- (iv) Inform the Government accordingly.

Sd/-
(Vincent D'Silva)
Presiding Officer,
Industrial Tribunal and
Labour Court.

◆◆◆
Department of Law & Judiciary

Law (Establishment) Division

Order

No. 3/26/84/LD(Estt.)/PART/663

In exercise of the powers conferred by Rule 1 of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) and in supersession of the Government Notification No. 3-26-84/LD dated 02-06-1987, published in the Official Gazette, Series II No. 18 dated 30th July, 1987, the Government of Goa hereby appoints:-

- (i) The officers specified in the Schedule annexed hereto as persons by whom complaints and written statements in suits in any Court of civil jurisdiction by or against the Government of Goa, shall be signed.
- (ii) The officers referred to in sub-clause (i) above who are acquainted with the facts of the case as persons by whom such complaints and written statements shall be verified.

SCHEDULE

- (1) Chief Secretary, all Secretaries, Special Secretary (Planning), Additional Secretaries, Deputy Secretaries, Joint Secretaries and Under Secretaries to the Government of Goa.
- (2) Director General of Police.
Including:-
 - (i) District Superintendent of Police.
 - (ii) Superintendent of Police, C.I.D.
 - (iii) Superintendent of Police, Training.
 - (iv) Superintendent of Police, Headquarters.
 - (v) Deputy Commandant General, Home Guards.
- (3) Collectors of Goa.
Including:-
 - (i) Deputy of Collectors.
 - (ii) Mamlatdars.
- (4) Director of Panchayats.
Including:-
 - (i) Additional Directors of Panchayats.
 - (ii) Deputy Directors of Panchayats.
- (5) Captain of Ports, Panaji-Goa.
- (6) Director of Education.
- (7) Director of Tourism.
- (8) Director of Fisheries.
- (9) Director of Agriculture.
- (10) Director of Animal Husbandary and Veterinary Services.
- (11) Director of Information.
- (12) Director of Sports and Youth Affairs.
- (13) Director of Transport.
- (14) Director of Health Services.
- (15) Director of Industries, Trade and Commerce.
Including:-
 - (i) General Manager (DIC).
- (16) Director of Mines & Geology.
Including:-
 - (i) Deputy Director of Mines and Geology.
- (17) Director of Planning, Statistics and Evaluation.
- (18) Director of Archives and Archaeology.
- (19) Director of Civil Supplies and Price Control.
Including:-
 - (i) Dy. Director of Civil Supplies and Price Control.
 - (ii) Assistant Director of Civil Supplies and Price Control.
 - (iii) All the Inspectors of Civil Supplies and Price Control.

- (20) Controller of Weights and Measures and Additional Controller of Legal Metrology.
Including:-
- (i) Assistant Controller of Weights and Measure and Legal Metrology.
 - (ii) All the Inspectors of Weights and Measures and Legal Metrology.
- (21) Chief Engineer, Public Works Department.
Including:-
- (i) All the Executive Engineers.
- (22) Chief Engineer, Water Resources Department.
Including:-
- (i) Additional Chief Engineer (Irrigation Project).
 - (ii) Superintending Engineers.
 - (iii) Executive Engineers.
 - (iv) Special Land Acquisition Officer (North).
 - (v) Special Land Acquisition Officer (South).
 - (vi) Director of Administration, Office of the Chief Engineer.
 - (vii) Deputy Director of Administration, Office of the Chief Engineer.
- (23) Chief Electrical Engineer, Electricity Department.
Including:-
- (i) Director (Administration).
 - (ii) Accounts Officer.
 - (iii) Superintending Engineers.
 - (iv) All Executive Engineers.
 - (v) All Assistant Engineers.
- (24) Director, Government Printing Press.
- (25) Inspector General of Prisons.
Including:-
- (i) The Superintendent of Central Jail, Aguada and the Ex-Officio Superintendent of Sub-Jail, Colvale Jail.
- (26) Dean, Goa Medical College.
- (27) Director (Administration), Goa Medical College.
- (28) Dean, Goa Dental College.
- (29) Principal, Goa College of Pharmacy.
- (30) Principal, Government Polytechnic.
- (31) Principal, Goa Engineering College.
- (32) Chief Town Planner.
- (33) Principal Chief Conservator of Forests.
Including:-
- (i) Deputy Conservator of Forests, South Goa Division.
 - (ii) Deputy Conservator of Forests, North Goa Division.
 - (iii) Deputy Conservator of Forests, Cashew Division.
 - (iv) Deputy Conservator of Forests, Wild Life & Parks Divisions.
 - (v) Deputy Conservator of Forests, Research & Working Plan Division.
 - (vi) Deputy Conservator of Forests, Soil Forestry Division.
 - (vii) Deputy Conservator of Forests, Soil Conservation Division.
 - (viii) Deputy Conservator of Forests, Planning and Statistics.
 - (ix) Range Forest Officers (Territorial).
 - (x) Range Forest Officers, Wild Life Divisions.
 - (xi) Range Forest Officers, Cashew Divisions.
 - (xii) Assistant Conservator of Forest.
- (34) Commissioner of Labour and Employment.
- (35) Commissioner of Commercial Taxes.
- (36) Commissioner of Excise.
- (37) Registrar of Co-operative Societies.
- (38) Director of Social Welfare.
- (39) Director of Accounts.
- (40) Deputy Director (Vigilance).
- (41) The Principal, Goa College of Architecture.
- (42) The District and Sessions Judges of Goa.
- (43) The District Registrars of Goa (North and South).
- (44) The Director of Settlement and Land Records.
- (45) Assistant Drugs Controllers and Drugs Inspector (for the purpose of Drugs), Health Department.
- (46) Director of Women and Child Development.
- (47) Director of Civil Aviation.
- By order and in the name of the Governor of Goa.
- Amir Parab*, Under Secretary (Law-Estt.).
- Porvorim, 1st April, 2019.

Department of Mines

Directorate of Mines & Geology

Order

No. 96/199/87/IIR-Mines/8477

Read: Government Order No. DMG/MMDR/37VIO/02/2014/3342 dated 05-01-2018 published in Official Gazette, No. 41 Series II dated 11th January, 2018.

In partial modification of Order read at preamble, in exercise of the powers conferred by Rules 17 & 18 of the Rules of Business of the Government of Goa, Shri Ameya Abhyankar, IAS, Director of Mines

and Geology, Government of Goa is hereby delegated the powers of the State Government to hear and dispose off the matters in terms of Rule 37 & 38 of the Mineral Concession Rules, 1960 as it existed with immediate effect.

The final orders in above mentioned proceedings shall be authenticated in terms of the Authentication Rules so framed by the Government.

By order and in the name of the Governor of Goa.

Daulat Hawaldar, IAS, Commissioner-cum-Secretary (Mines).

Panaji, 28th March, 2019.

Department of Personnel

Order

No. 15/7/2003-PER(Part)/1028

- Read: 1) Notification No. 1/25/87-PER dated 17-4-1996 published in the Official Gazette, Series I No. 9 dated 31-5-1996.
- 2) Notification No. 15/50/87-PER-Part I dated 12-12-1997 published in the Official Gazette, Series I No. 44 dated 29-1-1998.
- 3) Notification No. 15/7/2003-PER dated 17-2-2011 published in the Official Gazette, Series I No. 49 dated 03-03-2011.
- 4) Letter No. COM/I/5/42(1)/2018/1290 dated 11-03-2019 of the Deputy Secretary, Goa Public Service Commission, Panaji-Goa.

The Result of the Departmental Examination of the following Officers in the Cadre of Mamlatdar/Jt. Mamlatdar/Assistant Director of Civil Supplies conducted by the Goa Public Service Commission in pursuance to the Notifications read in preamble (1), (2) and (3) from 07-01-2019 to 11-01-2019, is declared, as indicated against their names:

Sr. No.	Name of the officer	Result	Remarks
1.	Kum. Shama Narvekar alias Smt. Shama J. Arondekar	Failed	Failed in paper IV & V.
2.	Shri Laximikant R. Dessai	Failed	Failed in paper I & V.
3.	Smt. Varsha Parab	Passed	—
4.	Shri Manoj Korgaonkar	Failed	Failed in paper V.
5.	Shri Dasharath Gawas	Passed	—
6.	Shri Vimod Dalal	Failed	Failed in paper IV & V.
7.	Shri Laximikant Kuttikar	Failed	Failed in paper I, IV & V.
8.	Shri Anil V. Rane Sardessai	Failed	Failed in paper I, IV & V.
9.	Shri Jeetendra Bugde	Failed	Failed in paper I & V.
10.	Shri Prataprao Gaunkar	Failed	Failed in paper IV & V.
11.	Shri Shripad Majik	Failed	Failed in paper I & V.
12.	Shri Bhiku L. Gawas	Failed	Failed in paper I.

This is issued based on the result of the above candidates communicated by the Goa Public Service Commission vide their letter read in preamble (4).

By order and in the name of the Governor of Goa.

Harish N. Adconkar, Under Secretary (Personnel-I).

Porvorim, 1st April, 2019.

Order

No. 15/9/2003-PER(Part-I)/1027

On the recommendation of the Goa Public Service Commission as conveyed vide its letter No. COM/II/12/42(2)/2013/418 dated 14-3-2019, the Governor of Goa is pleased to declare that the following Officers in the cadre of Mamlatdar/ /Jt. Mamlatdar/Assistant Director of Civil Supplies to have satisfactorily completed their probation period and to confirm them in service as indicated below:

Sr. No.	Name of the officers	Date of completion of probation period and confirmation
1.	Shri Mandar Mohan Naik	30-01-2018.
2.	Smt. Sharmila Ulhas Gaunkar	24-10-2018.

By order and in the name of the Governor of Goa.

Harish N. Adconkar, Under Secretary (Personnel-I).
Porvorim, 1st April, 2019.

Department of Power

Office of the Chief Electrical Engineer

Addendum

No. CEE/Estt-31-25-88/(Depu)/S.E./4709

Read: Order No. CEE/Estt-31-25-88/(Depu)/S.E./ /2617 dated 7-11-2018.

In the above referred order, at para 5, after the date 27-8-2018, the following sentence may be read as added "and also with the approval of High Level Empowered Committee (HLEC)".

The rest of the contents remain unchanged.

By order and in the name of the Governor of Goa.

Reshma Mathew, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 27th March, 2019.

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